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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

American Rena International  
Corporation, a California corporation;  
WanZhu "Kathryn" Li, an individual;  
Robert M. Milliken, an individual,

Plaintiffs/Movants,

vs.

Amy Huynh Luong,

Respondent.

No. MC 13-80142 EMC (LB)

**[PROPOSED] ORDER FINDING  
RESPONDENT AMY HUYNH  
LUONG IN CONTEMPT, AND  
ORDERING SANCTIONS**

Sis-Joyce International Co., Ltd., a  
California corporation; Alice "Annie"  
Lin, an individual; Robert Simone, an  
individual; Christine "Nina" Ko, an  
individual; and DOES 3-10,

Defendants.

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1       On August 5, 2013 the undersigned issued an order granting Plaintiffs' motion to compel respondent Amy Huynh Luong to appear for deposition and produce documents. *See Order*, ECF No. 9. The court also denied Plaintiffs' motion for a \$5,000 sanction without prejudice, while warning Ms. Luong that sanctions might be appropriate if Ms. Luong did not comply with the Court's order. *See id.* The court also ordered Ms. Luong to either appear on August 15, 2013 to show cause why she should not be held in contempt or make arrangements for her deposition with Plaintiffs' counsel. *See id.* Ms. Luong was served with this Order on August 6, 2013. *See ECF No. 10*, at 2.

10      On August 15, 2013, Ms. Luong did not appear. *See ECF No. 12.* This Court gave Ms. Luong one more opportunity to appear "on August 22, 2013 at 9:30 a.m. in Courtroom C, 15th Floor, 450 Golden Gate Avenue, San Francisco, California 94102 to show cause why she should not be held in contempt for her failure to comply with the subpoena and appear for her deposition." *See ECF No. 12.* Ms. Luong was personally served with this Order on August 16, 2013. *See ECF No. 14.*

16      On August 22, 2013, Ms. Luong again did not appear. Moreover, Ms. Luong continues to fail without adequate justification to appear for her deposition and produce documents in compliance with the subpoena or make arrangements for the same with Plaintiffs' counsel. NOW THEREFORE, having considered all of the facts and circumstances of this matter, and in light of the fact that Ms. Luong has now been given more than adequate notice and an opportunity to be heard regarding her contempt, the undersigned hereby finds Ms. Luong in **CONTEMPT** and **GRANTS** plaintiffs' request for \$5,000 in contempt sanctions as follows:

24       1.     Ms. Luong is hereby found and adjudged to be in **CONTEMPT** for her failure to comply with Plaintiffs' subpoena served on her on April 10, 2013 (the "Subpoena") and appear for deposition and produce documents in accordance therewith;

28       2.     If Ms. Luong does not purge her contempt by appearing for

1 deposition and producing documents in full compliance with the Subpoena on or  
2 before Thursday, September 5, 2013, then starting that day, and continuing every  
3 Thursday thereafter until this Court has found that Ms. Luong has purged her  
4 contempt, Ms. Luong is hereby fined, adjudged to be liable to Plaintiffs for and  
5 ORDERED to pay Plaintiffs, through their counsel, **\$500.00** for each week that she  
6 does not purge her contempt as described above, up to a maximum of **\$5,000.00** (i.e.  
7 \$500.00 on September 5, 2013, \$500.00 on September 12, 2013, etc.). If the full  
8 amount of this \$5,000.00 contempt sanction has been exhausted and Ms. Luong has  
9 still not purged her contempt, then Plaintiffs may obtain further monetary contempt  
10 sanctions against Ms. Luong by submitting further proof of their costs and fees to  
11 this Court. The contempt fines and sanctions imposed on Ms. Luong by this  
12 provision are self-executing and may be enforced without the need for further  
13 judicial intervention.

14           3. Plaintiffs' counsel is directed to notify the Court immediately  
15 when Ms. Luong has purged her contempt by appearing for deposition and  
16 producing documents in compliance with the Subpoena.

17           4. Because Plaintiffs timely moved to enforce the Subpoena and  
18 Ms. Luong has continued to fail to appear or produce documents in compliance  
19 therewith, this Court views the August 23, 2013 fact discovery cutoff in the  
20 underlying action to be tolled as it relates to Ms. Luong's deposition. Ms. Luong  
21 must purge her contempt and comply with the Subpoena notwithstanding the August  
22 23, 2013 fact discovery cutoff.

23           5. The Court sets a status hearing in this matter for September 5,  
24 2013 at 11:00 a.m. in Courtroom C, 15th Floor, 450 Golden Gate Avenue, San  
25 Francisco, California 94102, so that the undersigned may be apprised of the current  
26 status of Ms. Luong's contempt. Counsel may appear telephonically at this hearing.

27           6. Plaintiffs' counsel is directed to serve a copy of this order on Ms.  
28 Luong and file proof of service with the Court.

1 **IT IS SO ORDERED.**

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3 DATED: August 23, 2013

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HON. LAUREL BEELER